

METROPOLITAN CONTROLS THIRD AVENUE

DEAL IS COMPLETED!

OLGA NETHERSOLE TO ACT "SAPHO" BEFORE GRAND JURY.

Case to Be Taken Up Tomorrow and Whole Scene to Be Rehearsed in Costume, It Is Reported.



OLGA NETHERSOLE AS "SAPHO"

The grand jury will take up the "Sapho" case tomorrow. This will be a remarkable proceeding in that Olga NetherSOLE and her entire company will appear before the grand jury in stage costume and present to the members of that august body the scene which is considered an offense to public decency and against which the crusade has been made by The World and the district attorney's office.

The act which has formed the principal theme in the testimony given before Magistrate Mott begins with a dance in the house of one of the characters. The language and gestures, it is contended, are unmistakable in their suggestion. "Sapho" recites a poem of erotic emotion, it is alleged.

Further, the heroine of the play begins her disavowals upon the leading man, Jean Gaussin, which leads to the story of their after-life.

Jealousy and a desire to ensnare the young man are the features of the first scene.

Next comes the celebrated "stairway" scene, in which, after a short parley, all of which is said to be suggestive, Jean is induced or impelled to carry his mistress up the winding steps to her room. The method of this episode, it is held, is indecent. The fact that the curtain descends as the pair vanish and is raised to show the bare stairway were also points brought out in the testimony before Magistrate Mott.

Lawyer Hummel will represent Miss NetherSOLE and her companions in the investigation.

Subpoenas have been issued for the witnesses who testified in Magistrate Mott's star chamber hearing.

The grand jury's investigation will be in charge of Assistant District Attorney O'Reilly, who had charge of the prosecution in the magistrate's court.

The original complaint was filed before Magistrate Mott by a citizen who swore that the production of the play "Sapho" at Wallace's Theatre by Miss NetherSOLE and her company constituted a violation of public decency. After a lengthy hearing, Magistrate Mott found Miss NetherSOLE, Mr. Revelle and Manager Moss guilty and fined them.

Then Lawyer Hummel moved before Judge Foreman of the Supreme Court, for a jury trial, and a certificate to that effect was granted him yesterday.

Should the grand jury investigation which begins tomorrow result in indictments, the defendants will be tried before a jury in either the Criminal Branch of the Supreme Court or in General Sessions.

CAPT. THOMAS ACCUSES JUDGE ACTRESSES' MIND REVEL.

Says His Detectives Were Deceived in Akron (1 p.).

Millionaires and Stage Favorites Danced and Kicked Together.

Captain Thomas has replied to Chief Devery's order for an investigation of statements that a police were present in Jefferson Market Police Court to press the charges against Akron and South, managers of the Tivoli and Aradia dives.

On stating that the evidence was presented to Magistrate Cornell on March 15, Captain Thomas says:

"Premier Detective Harold A. Lockwood and Patrolman John Barry, and John L. Paulkner, Robert J. Binning and Chester A. Marvin attended court on the morning of March 15, and were told by Court Clerk James Doran that it was not necessary for them to be there, as it was merely to render a decision in the case, and that the decision was not to be given until the afternoon."

"However, the officers again went to the court in the afternoon, when they found that the decision had been given in the forenoon without the presence of either of the defendants, Charles E. Akron and George R. Smith, or any of the officers."

On receipt of Capt. Thomas's report, President York sent to Jefferson Market Court a transcript of the evidence, submitted by the officers to Magistrate Cornell.

One of the greatest and maddest revels ever enjoyed by the gay set of this city was held in the ballroom of an apartment house near Fifty-ninth street and Madison avenue on Saturday night—so it is being told in the clubs and on Wall street today.

Those who took part in the affair considered it a perfectly personal and confidential affair among "good fellows." But the news of it gradually leaked out, and it was given in form of a well-known actress and besides well-known beauties of the stage men were those who represent millions of men whose names are known in the world of finance and who are among the "stars" of Wall street.

A well-known uptown singer now in vogueville is said to have been accompanied by a copper king. But copper was down at this affair; it was a carnival of gold and diamonds, with the fast and furious, with the wild exultation of a long night's play.

As one chairman admitted, naively, "one man was 'kicker'."

"We fairly scoured the night and we found the copper for broke."

SHE STRUCK HER HUSBAND IN COURT: HE INSULTED HER.

When Harry Wolfson, defendant in a suit for non-support brought by his housewife, Emma Wolfson, said in the Harlem Police Court before Magistrate Crane this afternoon that his wife was not fit to keep a dog she was told to get out of the court.

Wolfson, who is not of the Cuban Mail Steamship Company, accused his wife of infidelity and claimed the guardianship of their two small children. She declared he gave her nothing to live on and the judge bar and let Emma keep her dog.

When Magistrate Crane addressed the case pending investigation Miss Wolfson declared: "My children shall never leave me. I'll kill them first and you, too, you villain." The judge was to hold her from again striking her husband.

FIRST RACE AT NEW ORLEANS

FIFTH RACE—Admiral 11 to 5 and 9 to 10 first. Result: 2 to 1 second, 10 to 1 third.

NO NEWS OF STEAMER PAULLAC

The French steamer Marseilles, Capt. Lemoine, arrived here today from New Orleans with no news of the French liner, Capt. Lemoine, reported to M. Bonard, the agent of the French line in this city, that he had "lost" her out of his course, with other looking for the missing freighter, Paullac, of the same line. He said that he had found no signs of her.

SCOW TRIMMING CONTRACT AWARDED

The Board of Harbor and River Commissioners today awarded a contract for scow trimming to the use of the pier refuse yard at the foot of East Broadway street. The trimming contract went to George W. Hyatt at \$1,750 a week. He was to be paid for the paper contract.

BOYS INVAD A MUSIC HALL

A short band of boys, led by a girl, broke into a music hall, and, after a short struggle, the girls and boys, and a few men, were driven out. The boys were seen to enter through a window. They were from the neighborhood of the docks. Magistrate Crane fined two of the boys \$2 each for breaking in and disturbing the peace.

COWING TELLS POLICE TO GET BIG GAMBLERS

Judge Cowing today told the police to get big gamblers. He said that in these cases, as it appears to them, and very justly, that it is only the small fry that are arrested and brought into court for trial. In every gambling case, and also in every liquor case, one brought into this court, it is always some poor foreigner, or a woman with five or six small children, or a poor man who is taking out a bare living for a large family and who has nothing behind him.

"Why don't you," nodding at the policeman, "go after the big fellows, who come of the jurors apparently believe are making thousands of dollars—yes, millions of dollars—out of this vice?"

"However, the case is a violation of the law, and the impression must not go out that in General Sessions men guilty of such crime can go free."

The courtroom was crowded with jurors, lawyers and spectators and the remarks of the Judge created a profound impression.

FIRST MOVE IN STREET RAILWAY COMBINE.

KRUGER RALLIES HIS BURGHERS.

Addresses a Huge War Meeting at Kroonstadt Urging Fight.

LONDON, March 21.—A despatch from Pretoria received here today says that President Kruger and Steyn addressed a huge camp meeting at Kroonstadt, at which it was resolved to make a fierce defense against the British.

Military experts regard this as corroborating their opinion that the most desperate fighting of the war is yet to come. Lord Roberts's advance will be contested and a last grand stand will be made at Pretoria.

At the meeting at Kroonstadt the Transvaal President made an impassioned appeal to the burghers to maintain their gallant fight for freedom. He told them that it was certain the ultimate result of the war would be that the Boer Republics would retain their independence despite the temporary British occupation of Bloemfontein.

President Steyn followed and told the burghers that the Free State was far from conquered because its capital had been occupied by the British. He informed the burghers that England had definitely refused to allow the republics to remain independent States. Therefore all the republics had to do now was to fight to the last.

He said that in the six months the war had been going on the Boers had lost less than 1,000 men killed, and that the fighting was really commencing now. As President he warned the Free State burghers not to believe Lord Roberts's proclamation and accept his invitation to lay down their arms.

He assured them that the English had failed on every occasion to keep the solemn treaties they had made. He closed by urging the burghers to place their trust in God.

LIVELY FIGHTING NOW NORTH OF KIMBERLEY.

LONDON, March 21.—The only news from South Africa showing activity on either side comes from Warrentown, north of Kimberley, where desultory fighting occurred all Sunday, resulting in the retreat of the Boers toward Christiansburg, under shell fire.

The progress of this column toward Matfeking has either almost entirely ceased or is forbidden to be mentioned in despatches. Nothing new comes from Col. Plumer, and Matfeking, apparently, still awaits relief.

The Pretoria account of the skirmish at Pooters Streams, March 18, says that a Boer commando was preparing to destroy a railroad bridge, and that the engagement lasted half an hour, with the result that one boogie was slightly wounded. The same despatch announces the arrival at the Transvaal capital of Gen. Schalk Burger, from Natal.

The second edition of the Times today publishes a despatch from Bloemfontein dated Monday, March 19, which says: "The blowing up of bridges by the Boers is an evident sign that the Transvaal intend to abandon the defense of the Free State."

And is quiet in the south and west. A corps of young Boers from the farms surrounding Bloemfontein, under an imperial officer, has been detailed for police work and to prevent the further looting of abandoned farms by the Kaldis.

It is said that when President Kruger left Bloemfontein, after his recent visit to the Free State, he was accompanied by a small party of his friends.

The Boers at Aliwal North are reported to be still holding a position in the old hills on the Free State side.

From a Pretoria despatch it appears some misunderstanding regarding Lord Salisbury's reply to America's offer of mediation exists here.

It had been quoted to the effect that Lord Salisbury said he could accept the intervention of no other power, which leads to the belief that the American proposal has been declined by the British.

Private Cole, the Canadian whom the Boers killed at Nelly Hospital, reported in South Africa today, fully recovered from his wounds.

Third Avenue Stock Again Soared To Day and Unhappy Shorts Face a Difficult Situation.

The Metropolitan Railroad Company formally took control of the Third Avenue stock today.

On demand, the majority of the Board of Directors of the wicked concern tendered their resignations and members of the Metropolitan Syndicate, headed by William C. Whitney, were substituted in their places.

At the meeting of the directors of the Third Avenue Railroad Company the following directors resigned: John E. Parsons, W. H. Curtis, David C. Andrews, Alexander Hadden, John Hyman, John H. Waydell, G. Howland Leavitt.

The following were elected directors: H. H. Woodland, president pro tem; Henry Hart, vice president; William C. Whitney, Edward Lauterbach, Thomas P. Ryan, Albert J. Ellis, John D. Cullen, Henry Jones, Frank B. Schley, Charles Benson, Walter Johnson, Samuel Riker and Edward M. Burghard.

This was the first move in the absorption plan, Mr. Whitney said this afternoon.

"This is our first move to take over the Third Avenue property. As we are in control of the corporation we naturally want our own Board of Directors."

"The new Board of Directors will immediately set out to formulate a plan for the funding of the debt of the road. Our future actions have not been thoroughly mapped out as yet and it will be some months before we will ask the courts to relieve Receiver Grant of his duties."

THIRD AVENUE'S BOOM.

Third Avenue stock went up like a skyrocket as soon as the market opened this morning.

Last night's closing price was 10 1/4. The stock opened today at 10 1/2 and then dropped to 10 1/4.

Heavy transactions in the stock sent the price flying upward, and half an hour after the opening it was quoted at 11 1/2.

On Monday last Third Avenue closed at 10. On Tuesday it opened at 10 and then came the sensational upward movement. In twenty-four hours therefore Third Avenue stock went up twenty-seven points.

During the early heavy transactions the excitement was intense. Fortune was won and lost in a moment, and all eyes were turned on the traction stocks.

Metropolitan jumped three points; Manhattan 2 1/4 and Brooklyn Rapid Transit 1 1/2.

Then came a lull, and Third Avenue dropped to 10 1/4 on several small transactions.

MR. LAUTERBACH'S STORY.

"It is true that Henry Hart has a call on \$300,000 shares of the Third Avenue stock at par, but it is not true that James R. Keene has absolute control of that stock," said Edward Lauterbach, the legal adviser of the Third Avenue stockholders.

"When the Third Avenue interest was threatened, Mr. Hart's holdings were placed in charge of a pool for protection. That pool consists of eight or nine of the most responsible Wall street houses. The stock is still in their hands and they are the protective custodians of it."

"Not one share of that could be touched without the consent of all the parties concerned. It is therefore manifestly absurd to say that any one has covered the Third Avenue short interest with the stock belonging to Mr. Hart."

"It would be illegal for Mr. Hart to sell it, would it not?" asked the World man.

"I will take care of Mr. Hart's interest," said Mr. Lauterbach.

"I believe that every penny's worth of stock that has been contracted to be delivered to the Metropolitan Company will be delivered," Lauterbach. "The company will be delivered."

REFUSES TO AID BOERS.

Swiss Government Says It Cannot Mediate Because of Britain's Attitude.

BERNE, Switzerland, March 21.—The Federal Council has answered the Boer appeal for mediation as follows:

"The Swiss Federal Council would have been pleased to cooperate in friendly mediation in order to end further bloodshed, but, as the Presidents of both South African Republics have directly approached the British Government in order to conclude peace on a basis indicated and the British Government has shown itself against the proposal, and as, furthermore, the British Government has declared to the Cabinet at Washington that it did not

WEATHER FORECAST.

Forecast for the thirty-six hours ending 8 P. M., Thursday, March 22, for New York City and vicinity: Fair and continued cold to-night and Thursday; fair and warmer Friday; fresh to brisk westerly winds.

MACRUM INQUIRY SURE.

WASHINGTON, March 21.—The House Committee on Foreign Affairs has decided to investigate the allegations made by Charles F. Macrum, ex-consul to Pretoria, South Africa, relative to the opening of his official mail by the British authorities.

Representative Wheeler, of Kentucky, introduced a resolution to this end which was referred to the Committee on Rules.

After some consultations, Chairman Hitt, on behalf of the Foreign Affairs Committee, agreed to investigate the charges without the direction of the House if that would be satisfactory to Mr. Wheeler, the author of the resolution.

Mr. Wheeler assented and has wired Mr. Macrum to come to Washington as soon as possible to appear before the committee.